

PATENT

#15
P. Allen
02/24/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **TIMOTHY J. YOUNG,
LARRY T. SCHLITZER,
KEVIN E. YOUSEY,
KEVIN S. REITTER** Docket No.: 10030

10 Serial No.: **09/772,177** Art Unit: 3654

Filed: **01/29/2001** Examiner: Minh Chau Pham

15 For: **WEB TRACKING ADJUSTMENT DEVICE AND METHOD
THROUGH USE OF A BIASED GIMBAL**

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REPLY BRIEF

Sir:

40 This is in response to the Examiner's Answer mailed on December 11, 2003.

RELATED APPEALS AND INTERFERENCES

Appellant believes there are no related interferences or appeals that will have any bearing on this appeal.

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ISSUES ON APPEAL

- A) The non-anticipation of claims 1, 2, 9, and 16-18, by Moe et al.
- B) The non-anticipation of claims 1 and 8 by Morse (USP 3,913,813).

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THE ART RELIED ON BY THE EXAMINER

Moe et al	USP 5,659,851	8/19/1997
Morse	USP 3,913,813	10/21/1975

10 GROUPING OF THE CLAIMS

Claims 1, 2, 9, and 16-18 have been rejected under 35 U.S.C. 102 as being anticipated by Moe et al. Claims 1 and 8 have been rejected under 35 U.S.C. 102 as being anticipated by Morse (USP 3,913,813). For purposes of the appeal, claims 1 and 15 8 are grouped together, and claims 9 and 16 are grouped together. Appellant stated in the appeal brief that appellant considered each of the remaining claims argued separately below, to be separately patentable and requested that these claims be considered individually. As to claims 2 and 18, appellant argued "With regard to claims 2 and 18, Moe et al does not disclose "a lateral constraint" wherein the bias "allows the 20 web to ride against said lateral constraint without damaging the web." This argument supports consideration of claims 2 and 18 separately from claims 1 and 17 respectively.

THE NON-ANTICIPATION OF CLAIMS 1, 2, 9, and 16-18, BY Moe et al.

25 Claims 1, 2, 9, and 16-18 stand rejected under 35 U.S.C. 102 as being anticipated by Moe et al. With respect to claims 1, 2, 17, and 18, applicants respectfully requested the Examiner identify where Moe et al discloses "A method of web tracking adjustment for guiding a moving web in a predetermined path of travel relative to a stationary frame, comprising: biasing a steering roller in a gimbal direction; 30 and, adjusting said bias to achieve desired tracking" (applicant's claim 1) so applicants

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could adequately respond. The Examiner responded by stating that "Moe et al (US 5,659,851) discloses biasing the steering roller (14) in the gimbal direction (56) through the use of springs (80). " The applicants state in page 4, lines 6-9 of the application that "By biasing the steering roller **10** in a gimbal direction it is meant that the steering 5 roller is pivoted about the gimbal axis **6** such that the web **2** on the downstream side of the steering roller **10** is not perpendicular to the longitudinal axis **9** of the steering roller **10.**" The springs (80) of Moe et al are repeatedly referred to as "pivot resisting means" (column 7, lines 3-5, and lines 46-47) which are there to *resist* bias as defined by the applicant, not to *cause* bias as defined by the applicant. Therefore, since Moe et al 10 does not disclose this limitation, appellant requests reversal of the Examiner regarding rejection of claims 1, 2, 17, and 18.

Examiner further states that Moe et al discloses "a means for adjusting (94)(96)", but applicant's claim requires "adjusting said bias to achieve desired tracking." Examiner has not shown that (94) and (96) adjust the bias to achieve desired tracking. 15 Moe et al. describes item (94) as "a tension adjusting disc (94)" and item (96) as a "tension releasing cam (96)" [column 8, lines 28-29]. These are used "to quickly engage or release the tension applied by the coil spring (88)" which "biases the carriage pin toward the steering roller" (column 8 lines 30-40). This is a force along the gimbal axis, which does **not** cause bias in the gimbal direction. The Examiner states that this 20 moves the extending members 82 further along the cantilevered flat spring 80, "thereby adjusting the bias to achieve desired tracking." As extending member 82 is moved further along the cantilevered flat spring 80, the force with which the flat spring 80 resists bias as defined by the applicant may change, but once again this does not cause bias as defined by the applicant, and therefore can not adjust bias as defined by 25 the applicant to achieve desired tracking. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference" [MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)]. Therefore,

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since Moe et al does not disclose this limitation, appellant requests reversal of the Examiner regarding rejection of claims 1, 2, 17, and 18.

With regard to claims 2 and 18, Moe et al does not disclose "a lateral constraint" wherein the bias "allows the web to ride against said lateral constraint without damaging the web." In the Examiner's answer, the Examiner states that applicant argues "the restraints 61A, 62A do not allow the web to ride against the lateral restraints without damaging the web." The Examiner further states that "Applicant has provided no line of reasoning as to why the noted elements do not comprise a lateral constraint."

Applicant is not questioning 61A and 62A as lateral restraints, lateral restraints are well known in the art, and are disclosed as such in the appealed application. Applicants contend that Moe et al does not disclose a bias which allows the web to ride against the lateral constraint. Therefore, since Moe et al does not disclose this limitation, appellant requests reversal of the Examiner regarding rejection of claims 2 and 18 on this basis.

Moe et al is trying to maintain the web relatively centered and perpendicular to the steering roller. Everything about Moe et al is about restoring equilibrium away from the edges. If the web laterally walks toward an edge, the flat spring resists the resultant force in an effort to cause the web to laterally walk back towards the center (column 7 lines 15-60). This is further shown in column 5 lines 51-60, where it states that the belt only comes in contact with the end members 61 and 62 (61A and 62A) when "the endless belt *walks from the target position*." This is in contrast to the applicants invention where the web is NOT to be perpendicular to the steering roller. This is the bias as defined by applicant, which in claim 2 "allows the web to ride against said lateral constraint".

25 THE NON-ANTICIPATION OF CLAIMS 1 and 8 by Morse (USP 3,913,813).

Claims 1 and 8 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Morse. (3,913,813). Examiner states that Morse discloses "biasing the steering roller (11) in the gimbal direction (20) through the use of resilient wire (61)." In the Examiner's answer, the Examiner states "The constraining arm (60) is provided to reduce the

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pivotal movement of the roller about the gimbal axis, thereby biasing the roller to achieve desired tracking." This is in error. Column 6, lines 15-20 state that the constraining arm 60 "reduces the degrees of freedom of movement of roller 11 to pivotal movement about gimbal axis 20 and castering axis 30 without affecting the 5 rotational movement of the roller." In other words, the constraining arm constrains movement in all directions *except* pivotal movement about the caster and gimbal axis. Thus it explicitly does not restrain movement in the gimbal direction, and therefore could not bias the roller in the gimbal direction. Therefore, since Morse (USP 3,913,813) does not disclose this limitation, appellant requests reversal of the Examiner 10 regarding rejection of claims 1 and 8 on this basis.

SUMMARY

Appellant's claimed Web tracking adjustment device and method through use of a biased gimbal as described in claims 1, 2, 8, 9, and 16-18 is distinct and patentably 15 defined over the cited references as applied by the Examiner. Appellant requests reversal of the final rejection of Claims 1, 2, 8, 9, and 16-18.

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Respectfully submitted,



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Date: 2/11/04

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TRANSMITTAL FORM

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First Named Inventor Timothy Young

Art Unit 3654

Examiner Name Minh Chau Pham

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